

SUBSTITUTE FOR
SENATE BILL NO. 874

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 13 (MCL 722.633), as amended by 2002 PA 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) A person who is required by this act to report an
2 instance of suspected child abuse or **CHILD** neglect and who fails to
3 do so is civilly liable for the damages proximately caused by the
4 failure.

5 (2) A person who **BY HIS OR HER PAID EMPLOYMENT** is required by
6 this act to report an instance of suspected child abuse or **CHILD**
7 neglect, **WHO HAS DIRECT KNOWLEDGE OF THE NATURE OF THE SUSPECTED**
8 **CHILD ABUSE OR CHILD NEGLECT**, and who **WILLFULLY AND** knowingly fails
9 to ~~do so~~ **REPORT** is guilty of a ~~misdemeanor~~ **FELONY** punishable by
10 imprisonment for not more than ~~93 days~~ **2 YEARS** or a fine of not

1 ~~more~~ LESS than \$500.00, \$1,000.00, OR NOT MORE THAN \$5,000.00, or
2 both.

3 (3) A PERSON WHO IS A VOLUNTEER REQUIRED BY THIS ACT TO REPORT
4 AN INSTANCE OF SUSPECTED CHILD ABUSE OR CHILD NEGLECT, WHO HAS
5 DIRECT KNOWLEDGE OF THE NATURE OF THE SUSPECTED CHILD ABUSE OR
6 CHILD NEGLECT, AND WHO WILLFULLY AND KNOWINGLY FAILS TO REPORT IS
7 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
8 THAN 1 YEAR, OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

9 (4) IF A PERSON DESCRIBED IN SUBSECTION (2) COMMITS A SECOND
10 OR SUBSEQUENT OFFENSE AS DESCRIBED IN SUBSECTION (2), THE PERSON IS
11 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 7
12 YEARS OR A FINE OF NOT MORE THAN \$15,000.00, OR BOTH.

13 (5) ~~(3)~~ Except as provided in section 7, a person who
14 disseminates, or who permits or encourages the dissemination of,
15 information contained in the central registry and in reports and
16 records made as provided in this act is guilty of a misdemeanor
17 punishable by imprisonment for not more than 93 days or a fine of
18 not more than \$100.00, or both, and is civilly liable for the
19 damages proximately caused by the dissemination.

20 (6) ~~(4)~~ A person who willfully maintains a report or record
21 required to be expunged under section 7 is guilty of a misdemeanor
22 punishable by imprisonment for not more than 93 days or a fine of
23 not more than \$100.00, or both.

24 (7) ~~(5)~~ A person who intentionally makes a false report of
25 child abuse or **CHILD** neglect under this act knowing that the report
26 is false is guilty of a crime as follows:

27 (a) If the child abuse or **CHILD** neglect reported would not

1 constitute a crime or would constitute a misdemeanor if the report
2 were true, the person is guilty of a misdemeanor punishable by
3 imprisonment for not more than 93 days or a fine of not more than
4 \$100.00, or both.

5 (b) If the child abuse or **CHILD** neglect reported would
6 constitute a felony if the report were true, the person is guilty
7 of a felony punishable by the lesser of the following:

8 (i) The penalty for the child abuse or **CHILD** neglect falsely
9 reported.

10 (ii) Imprisonment for not more than 4 years or a fine of not
11 more than \$2,000.00, or both.

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.

14 Enacting section 2. This amendatory act does not take effect
15 unless Senate Bill No. 880 of the 99th Legislature is enacted into
16 law.